



Honorable Mike K. Nakagawa  
United States Bankruptcy Judge



Entered on Docket  
December 05, 2011

THE LAW OFFICES OF RANDOLPH H. GOLDBERG  
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UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEVADA

In re:

**TACHARA HUGHES**

Debtor(s).

Case No.: BK-S-11-20851-MKN  
Chapter 13

Date: 11/21/2011  
Time: 3:15 p.m.

**ORDER TO VALUE COLLATERAL; ORDER TO AVOID LIEN**

THIS MATTER having come before the Court for a hearing on **NOVEMBER 21, 2011**, on Debtor's MOTION TO VALUE COLLATERAL; MOTION TO AVOID LIEN, and based upon the papers and pleadings on file herein, and good cause appearing; the Court finds as follows:

1. The Debtor's principal residence located at **1920 BAYHURST AVE, LAS VEGAS, NV 89031** (the "Subject Property") is valued at **\$110,000.00** as of the date of filing Debtor's Chapter 13 Petition.

- 1           2.     The Subject Property is collateral for senior secured claim of **BANK OF**  
2                   **AMERICA HOME LOAN SERVICING** ("Senior Lienholder").  
3

4                               **[Check only one box, and fill in the blanks]**

5           ☒ Senior Lienholder has filed a Proof of Claim (7-1) related to such claim,  
6                   and such Proof of Claim claims a debt of **\$190,287.48**. Senior Lienholder's Proof of  
7                   Claim indicates that Senior Lienholder has assigned **BANK OF AMERICA HOME**  
8                   **LOAN SERVICING** to this claim.  
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10                              **[or]**

11           ☐ Senior Lienholder has *not* filed a Proof of Claim related to its claim, but has  
12                   assigned to this claim. The Debtor's schedules list the amount of Senior Lienholder's  
13                   claims as \$ .  
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- 15           3.     The Subject Property is also collateral for a junior secured claim of **BANK OF**  
16                   **AMERICA HOME LOAN SERVICING** ("Junior Lienholder").  
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18                              **[Check only one box, and fill in the blanks]**

19           ☐ Junior Lienholder has filed a Proof of Claim (NA) related to such claim, and  
20                   such Proof of Claim claims a debt of \$. Junior Lienholder's Proof of Claim indicates that Junior  
21                   Lienholder has assigned to this claim.  
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23                              **[or]**

24           ☒ Junior Lienholder has *not* filed a Proof of Claim related to its claim, but has  
25                   assigned **BANK OF AMERICA HOME LOAN SERVICING** to this claim. The Debtor's schedules  
26                   list the amount of Junior Lienholder's claims as **\$9,108.00**.  
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- 28           4.     Given the above, Junior Lienholder's interest in the Debtor's interest in the Subject

1 Property has no value.

2 THEREFORE, IT IS HEREBY ORDERED THAT, pursuant to Zimmer v. PSB Lending  
3 Corp. (In re Zimmer), 313 F. 3d 1220 (9<sup>th</sup> Cir. 2002), and 11 U.S.C. §§ 506(a) and 506(d), Junior  
4 Lienholder's claim is unsecured, and shall be treated as unsecured for all purposes in this case,  
5 including the manner in which such claim is treated and paid in Debtor's chapter 13 plan; and  
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7 IT IS FURTHER ORDERED THAT, should debtor receive a discharge in this case, Junior  
8 Lienholder shall as soon as practicable thereafter take all necessary and appropriate steps to  
9 remove its lien of record, and to ensure that Debtor's title to the Subject Property is clear of any  
10 cloud on title related to Junior Lienholder's claim. This court hereby reserves jurisdiction with  
11 respect to any dispute over the actions necessary to comply with this paragraph; and  
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13 IT IS FURTHER ORDERED THAT, should this case be converted to one under another  
14 chapter, 11 U.S.C. § 348(f) shall govern the continued validity of this order; and  
15

16 IT IS FURTHER ORDERED THAT, should this case be dismissed, 11 U.S.C. §  
17 349(b)(1)-(3) shall govern the continuing validity of this order; and  
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19 IT IS FURTHER ORDERED THAT nothing in this order shall be deemed to be an  
20 allowance or disallowance of any claim of Senior Lienholder or Junior Lienholder, and any party  
21 in interest, including the Debtor or the Trustee, may hereafter object to either claim on any ground  
22 recognized by the Bankruptcy Code.  
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24  
25 DATED this 24<sup>th</sup> day of Nov. 2011

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9 THE LAW OFFICES OF  
RANDOLPH H. GOLDBERG

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By /S/ RANDOLPH GOLDBERG ESQ.

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RANDOLPH H. GOLDBERG, ESQ.

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Suite 200

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Las Vegas, Nevada 89119

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Attorney for Debtor

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LR 9021. ENTRY OF JUDGEMENTS AND ORDERS

Pursuant to LR 1001<sup>o</sup>, the judges of the District of Nevada hereby adopt this administrative order and amend the following local rules:

LR 9014 (g) is hereby amended to read as follows:

g) Compliance with LR 9021. In chapter 7 and 13 cases, LR 9021(b)(1) is waived if a proposed order is served with the motion and the motion is granted. The proposed order must be attached as an exhibit and may not be separately filed or submitted for the judge's signature prior to the hearing. If the proposed order is not served with the motion, or if the order has been modified by the court or otherwise, the LR 9021 (b) (1) is applicable.

LR 9021<sup>o</sup> is hereby amended to read as follows:

1) Documents listed in subsection (a) above must be submitted to the court with the following certification from the submitting counsel:

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ The court has waived the requirements set forth in LR 9021 (b) (1).

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

RICK A. YARNALL  
701 BRIDGER AVENUE, #820  
LAS VEGAS, NEVADA, 89101

\_\_\_\_\_ APPROVED

\_\_\_\_\_ DISAPPROVED

\_\_\_\_\_ FAILED TO RESPOND

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✓  
I certify that this is a case under Chapter 7 or 13,  
that I have served a copy of this order with motion  
pursuant to LR 9014(g), and that no party has objected  
to the form or content of the order.

- 2) No language other than "approved" or "disapproved" may appear above opposing counsel's signature; and
- 3) Unless the court orders otherwise, "opposing counsel" means any attorney who appeared at the hearing regarding the matter that is the subject of the order or who filed objections.
- 4) Variation from the certification language indicated in paragraph (c)(1) may be cause for returning the draft order unsigned by the court.